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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,037	01/31/2005	Jean-Jacques Taillardat	P/3328-70	2807

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OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

EXAMINER
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FLORES SANCHEZ, OMAR

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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04/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/517,037	<b>Applicant(s)</b> TAILLARDAT, JEAN-JACQUES	
	<b>Examiner</b> Omar Flores-Sánchez	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-13 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-13 and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment received on 3/04/09.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett et al. (3,899,945) in view of Hirakawa et al. (5,297,461) and Scheffer et al. (4,962,683).

Garrett et al. discloses (Fig. 1-12) the invention including a machine 12, a machine entrance (see Fig. 3, the left side entrance), a machine exit (see Fig. 3, the right side exit), a processing zone (see Fig. 1, the center area), a sheet drive (58 and 60), a first tooling 16, a first rotary support shaft 125, a counter-tooling 18, a second rotary support shaft 101, an operating apparatus (56 and 126), the first tooling is rotating at a processing speed having a tangential component which is equal to the drive speed of the sheets (see col. 4, lines 5-8), a cylindrical surface 36, a first motor 56 and a second motor 126. Garrett et al. doesn't show a plurality of working strips. However, Hirakawa et al. teaches the use of a plurality of working strips (3 and 15) for the purpose of obviating the shortcoming of breaking of the sheet at a change point. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Garrett et al. by providing the a plurality of working strips as taught by Hirakawa et al. in order to obtain a device that obviates the shortcoming of breaking

of the sheet at a change point. Hirakawa et al. teaches working strips having a width in the circumferential direction greater than a width the first tooling (see Fig. 5A) and the working strip is mounted detachably by bolts 11 on the counter-tooling.

The modified device of Garrett et al. discloses the invention substantially as claimed except for the first tooling including blades. However, Scheffer et al. teaches the use of blades 164 for the purpose of facilitating the cutout of the material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the first tooling of Garrett et al. by providing the blades 164 as taught by Scheffer et al. in order to obtain a device that facilitates the cutout of the material. Also, Scheffer et al. teaches the at least one working strip 214 having a width in a circumferential direction greater than a width measured between the blades of the first tooling (see Fig. 9).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett et al. (3,899,945) in view of Hirakawa et al. (5,297,461) and Scheffer et al. (4,962,683) as applied to claim 1 above, and further in view of Kishine et al. (6,401,583 B1).

The modified device of Garrett et al. discloses the claimed invention except for the width of each working strip lies within the range of 1.05 to 1.8 times the width of the first tooling. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kishine et al. by providing the width of each working strip lies within the range of 1.05 to 1.8 times the width of the first tooling, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art. *In re Aller*, 105USPQ 233.

5. Claims 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett et al. (3,899,945) in view of Hirakawa et al. (5,297,461) and Scheffer et al. (4,962,683) as applied to claim 1 above, and further in view of Thiel et al. (6,220,134 B1).

The modified device of Garrett et al. discloses the invention substantially as claimed including first and second tools 34 (see col. 7, lines 11-13) and a control unit 127. Garrett et al. doesn't show a detector. However, Thiel et al. teaches the use of a detector 17 for the purpose of detecting the position of the web relative to the cutting device and adjusting the cutting device for cutting in the register mark. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Garrett et al. by providing the (the missing limitation) as taught by Thiel et al. in order to obtain a device that detects the position of the web relative to the cutting device and adjusts the cutting device for cutting in the register mark.

6. Claims 20, 21, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett et al. (3,899,945) in view of Hirakawa et al. (5,297,461).

Garrett et al. discloses (Fig. 1-12) the invention including a machine 12, a machine entrance (see Fig. 3, the left side entrance), a machine exit (see Fig. 3, the right side exit), a processing zone (see Fig. 1, the center area), a sheet drive (58 and 60), a first tooling 16, a first rotary support shaft 125, a counter-tooling 18, a second rotary support shaft 101, an operating apparatus (56 and 126), the first tooling is rotating at a processing speed having a tangential component which is equal to the drive speed of the sheets (see col. 4, lines 5-8), a cylindrical

surface 36, a first motor 56 and a second motor 126. Garrett et al. doesn't show a plurality of working strips. However, Hirakawa et al. teaches the use of a plurality of working strips (3 and 15) for the purpose of obviating the shortcoming of breaking of the sheet at a change point. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Garrett et al. by providing the a plurality of working strips as taught by Hirakawa et al. in order to obtain a device that obviates the shortcoming of breaking of the sheet at a change point. Hirakawa et al. teaches working strips having a width in the circumferential direction greater than a width the first tooling (see Fig. 5A) and the working strip is mounted detachably by bolts 11 on the counter-tooling.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett et al. (3,899,945) in view of Hirakawa et al. (5,297,461) as applied to claim 21 above, and further in view of Kishine et al. (6,401,583 B1).

Garrett et al. discloses the claimed invention except for the width of each working strip lies within the range of 1.05 to 1.8 times the width of the first tooling. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Kishine et al. by providing the width of each working strip lies within the range of 1.05 to 1.8 times the width of the first tooling, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum value or workable ranges involves only routine skill in the art. *In re Aller*, 105USPQ 233.

***Response to Arguments***

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Olson, Kapolnek et al. and McMahon et al. are cited to show related device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F./

Examiner, Art Unit 3724

/Boyer D. Ashley/

Supervisory Patent Examiner, Art Unit 3724